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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,442	01/05/2001	Anne E. Robb	PC-930	5126

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LAW OFFICES OF BRIAN S STEINBERGER  
101 BREVARD AVENUE  
COCOA, FL 32922

EXAMINER
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GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/755,442

Applicant(s)

ROBB ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/5/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Drawings***

This application has been filed with informal drawings, which are acceptable for examination purposes only. The figures contain improper text, lines and shading, which may affect clarity when reproduced.

Applicant is required to submit a formal correction of the noted defect. Applicant is required to submit drawing corrections promptly. Drawing objections may no longer be held in abeyance.

### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1-2, 5 and 7-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Bidz (PTO-892, Ref U).**

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Referring to claim 1. Bidz discloses a method of accessing classification information on a web-based system until a finite selection point is achieved, comprising the steps of:

- Accessing a web site having a first main menu page of category headings by a user (page 2, “Full Category Listing...”);
- First selecting at least one of the category headings on the first main menu page; accessing a second menu page having first subcategory headings from the first selecting step (page 2, “Jewelry, Gemstones”);
- Second selecting at least one of the first subcategory headings (page 3, “Sub Categories”);
- Accessing a third menu page having second subcategory headings from the second selecting step (page 3, “Beaded”);
- Third selecting at least one of the second subcategory headings (page 4, “Please select a sub category”); and
- Repeating accessing and selecting until the user reaches an end of a menu series to a finite selection of a classification, wherein interaction of the accessing of the first page, the second page, the third page, and the first selecting, the second selecting and the third selecting are navigated without inputting any search query (page 2, page 3 and page 4).

Referring to claim 2. Bidz further discloses a method wherein the steps of the accessing of the first page, the second page, the third page, and the first selecting, the

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second selecting and the third selecting include a user navigating each accessing and selecting step by point and click (page 2, page 3 and page 4).

Referring to claim 5. Bidz further discloses a method wherein the classification information includes advertisements by sellers, each of the sellers listing at least one of: goods and services (page 4).

Referring to claim 7. Bidz further discloses a method wherein the first subcategory headings include headings for: makes, items, and services (page 6, page 7 and page 8).

Referring to claim 8. Bidz further discloses a method comprising the step of viewing the finite selection of the classification by scrolling through a list (page 5).

Referring to claim 9. Bidz further discloses a method comprising the step of filtering and sorting the finite selection of the classification into a list; and viewing the list (page 5).

Referring to claim 10. Bidz further discloses a method wherein the user is a buyer of at least one of a good and a service (page 6, page 7 and page 8).

Referring to claim 11. Bidz further discloses a method wherein the user is a: a seller of at least one of: a good, and a service (page 5, "Add/Sell").

Referring to claim 12. Bidz further discloses a method wherein the user is at least one of a buyer and seller, each user having an interest in at least one of a good, a make, an item, and a service (page 6, page 7 and page 8).

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Referring to claim 13. Bidz further discloses a method wherein the classification information includes advertisements by sellers, each of the sellers listing at least one of goods, makes, items and services (page 6, page 7 and page 8).

Referring to claim 14. Bidz further discloses a method comprising the step of a buyer-user listing an unlisted ad, the ad being for at least one of: a good, a make, an item and a service (page 5).

Referring to claim 15. Bidz further discloses a method comprising the step of notifying the buyer-user user when a placed advertisement matches the unlisted item (page 13).

Referring to claim 16. Bidz further discloses a method wherein the notification step further includes at least one of paging the buyer-user, and e-mailing the buyer-user (page 13).

Referring to claim 17. Bidz further discloses a method wherein the system includes a catalog ordering system (page 5).

Referring to claim 18. Bidz further discloses a method wherein the system includes: a catalog order notification system (page 5).

Referring to claim 19. Bidz further discloses a method wherein the subcategory can include types (page 4).

Referring to claim 20. Claim 20 is rejected under the same rationale as set forth above in claim 1.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3-4 and 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bidz (PTO-892, Ref U).**

Referring to claims 3 and 4. Bidz discloses a system according to claim 1 as indicated supra. Bidz does not expressly disclose selecting by voice command or a combination of point and click and voice command. The Examiner notes, the use of voice command to select a category or subcategory is functionally equivalent to the use of the point and click method utilized by Bidz. Further, one could use the instant invention with a plurality of selection means, i.e. menus, scrollbars, voice, touch screen, etc. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided any type of selection means in the system taught by Bidz since the applicant has not disclosed that having the voice command selection means solves any stated problem or is for any particular purpose and it appears that the point and click selection means would perform equally as well.

Referring to claim 6. Bidz discloses a system according to claim 1 as indicated supra. Bidz further discloses a method with a plurality of category headings including automotive (page 7). Bidz does not expressly disclose a method wherein the category headings include headings for: agriculture, aircraft, antiques, automobiles, boats, heavy

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equipment, heavy trucks, industrial, medical, pickup trucks, recreational vehicles, and sport utility vehicles and vans. The Examiner notes, one could use the instant invention to sell or search for an unlimited genre of items. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided various category headings including agriculture, aircraft, antiques, automobiles, boats, heavy equipment, heavy trucks, industrial, medical, pickup trucks, recreational vehicles, and sport utility vehicles and vans in the system taught by Bidz since the applicant has not disclosed that these specific categories solve any stated problem or is for any particular purpose and it appears that all categories would perform equally as well.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hennessey et al., U.S. Patent No. 6,360,216 B1, March 19, 2002, discloses a method and apparatus for interactive sourcing and specifying of products having desired attributes and/or functionalities.

Wolfe et al., U.S. Patent No. 6,282,517 B1, August 28, 2001, discloses a real time communication of purchase requests.

Woolston, U.S. Patent No. 6,085,176, July 4, 2000, discloses a method and apparatus for using search agents to search plurality of markets for items.

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Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

August 4, 2003

  
Jeffrey A. Smith  
Primary Examiner